

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JACKIE FISHER	§
	§
	§
<i>Plaintiff,</i>	§
	§
vs.	§ CIVIL ACTION NO. 4:08-CV-01273
	§
UNIVERSITY OF TEXAS	§ Jury Demanded
MEDICAL BRANCH and	§
DAVID WATSON	§
	§
<i>Defendants.</i>	§

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME**

TO THE HONORABLE NANCY F. ATLAS:

COMES NOW, Defendants David Watson and University of Texas Medicine Branch, Correctional Managed Care (UTMB-CMC ), and file this their Unopposed Motion for Extension of Time to file Defendants' Reply to Plaintiff's Response to Defendants' Motion for Summary Judgment and in support thereof, respectfully states the following:

1. Plaintiff filed her response to Defendants' Motion for Summary Judgment on December 14, 2009.
2. Defendants' deadline date to reply to Plaintiff's response is December 24, 2009.
3. Due to the undersigned's emergency gallbladder operation on Monday, December 21, 2009, Defendants request an extension to December 30, 2009 to reply to Plaintiff's response to Defendants' Motion for Summary Judgment.
4. Counsel for the Plaintiff is unopposed to this extension.
5. No other deadlines, including the trial setting of this case, will be affected by this extension. Defendants seek this extension not for purposes of delay, but that justice

may be done.

WHEREFORE, PREMISES CONSIDERED, Defendants pray this Court extend Defendants' deadline date to reply to Plaintiff's response to Defendants' Motion for Summary Judgment to December 30, 2009.

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

KENT C. SULLIVAN  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE  
Chief, General Litigation Division

/s/ Sam Lively  
SAM LIVELY  
Assistant Attorney General  
Texas Bar No. 12435300  
General Litigation Division  
P. O. Box 12548, Capitol Station  
Austin, Texas 78711  
Phone No. (512) 463-2120  
Fax No. (512) 320-0667

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF CONFERENCE**

\_\_\_\_ I certify that on December 21, 2009 Plaintiff's counsel, Jo Miller, conveyed by telephone that she does not oppose Defendants' Motion for Extension of Time. Plaintiff's counsel also agreed to the requested extension date of December 30, 2009.

*/s/ Sam Lively*

SAM LIVELY  
Assistant Attorney General

**NOTICE OF ELECTRONIC FILING**

I, Sam Lively, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 22nd day of December, 2009.

*/s/ Sam Lively*

SAM LIVELY  
Assistant Attorney General

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the above and forgoing document has been sent via CM/ECF email, on December 22, 2009, to the following individual:

Jo Miller  
505 North Main  
Carriage House  
Conroe, Texas 77301

*/s/ Sam Lively*

SAM LIVELY  
Assistant Attorney General